

## **REMARKS**

By this Amendment, Applicants have amended the specification, canceled non-elected claims 8-12 without prejudice or disclaimer, amended claims 1 and 13, and added new claims 20 and 21. No new matter has been added. Claims 1-7 and 13-19 have been examined on the merits. New claims 20 and 21 are consistent with Group I, which was elected without traverse in the Response to Restriction Requirement filed November 22, 2004. Accordingly, new claims 20 and 21 should also be examined on the merits.

As an initial matter, Applicants would like to thank Examiner Rodriguez for the courtesy and consideration extended to Applicants' representative during the personal interview conducted on July 26, 2005. During the interview, the following issues were discussed.

### **I. Claim Objections**

In the Office Action, claims 1 and 13 were objected to as containing informalities. Office Action at 2. Applicants appreciate the Examiner's identification of the informalities, and Applicants have amended claims 1 and 13 to correct minor typographical errors, as suggested by the Examiner. Therefore, Applicants respectfully request reconsideration and withdrawal of the objections to claims 1 and 13.

### **II. Obviousness-Type Double Patenting Rejections**

In the Office Action, claims 1-7 and 13-19 were rejected under the judicially-created doctrine of obviousness-type double patenting based on claims 1-7 of

Vos et al. (U.S. Patent No. 6,171,055) and claims 1-7 of Vos et al. (U.S. Patent No. 6,340,289). Applicants have submitted herewith a Terminal Disclaimer, thereby obviating the obviousness-type double patenting rejections of claims 1-7 and 13-19. Therefore, Applicants respectfully request reconsideration and withdrawal of the obviousness-type double patenting rejections.

### **III. Section 102(b) Rejection of Claims 1 and 13 based on Cavasa et al.**

In the Office Action, independent claims 1 and 13 were rejected under 35 U.S.C. § 102(b) based on Cavasa et al. (U.S. Patent No. 4,686,825). Applicants respectfully traverse the § 102(b) rejection of independent claims 1 and 13 based on the Cavasa et al. reference because Cavasa et al. does not disclose all of the subject matter recited in each of Applicants' independent claims 1 and 13.

Under the guidance of the M.P.E.P., a reference must disclose all of the subject matter recited in a claim in order to anticipate the claim. § 2131. Applicants respectfully submit that the Cavasa et al. reference does not disclose or suggest all of the subject matter recited in each of independent claims 1 and 13.

#### **A. Independent Claim 1**

Applicants' independent claim 1 recites a single input power control apparatus for controlling a powerplant including, among other recitations, an input means for generating an output power command; and a processor . . . for . . . determining first and second powerplant control commands . . . ." The Cavasa et al. reference neither discloses nor suggests at least that subject matter recited in independent claim 1.

In the Office Action, the rejection statement interprets the Cavasa et al. reference as disclosing “a processor 23 . . . for . . . determining first and second powerplant control commands (control of fuel valve 4; and control of thrust reverser 25) . . . .” Office Action at 6.

Applicants respectfully disagree with the rejection statement’s apparent assertion that Cavasa et al.’s disclosure relating to determining a thrust reverser command discloses determining a powerplant control command, as recited in independent claim 1. The Cavasa et al. reference discloses an engine 2 and that a thrust reverser 25 may be optionally associated with the engine 2, which implies that the thrust reverser 25 is not part of the engine 2. See, e.g., col. 4, lines 49-52 (disclosing that “When a thrust reverser is associated with said engine, in known manner, said law may further comprise a portion specific to the blowing of said thrust reverser in active position and corresponding to a zone of thrust reversal,” and col. 7, lines 57-61, “When, as is conventional, engine 2 is associated with a thrust reverser 25 actuated by a control 26, an activation line 28 and an activation-confirming line 27 are provided between control 26 and computer 23 (cf. FIG. 2).”). Therefore, Applicants respectfully submit that the Cavasa et al. thrust reverser 25 is not part of the engine 2 and that Cavasa et al.’s disclosure relating to determining a thrust reverser control command does not necessarily disclose or suggest determining a powerplant control command.

At least because the Cavasa et al. reference does not disclose or suggest first and second powerplant control commands, Cavasa et al. does not disclose all of the subject matter recited in independent claim 1. For at least that reason, Applicants’ independent 1 is patentably distinguishable from the Cavasa et al. reference.

### **B. Independent Claim 13**

Applicants' independent claim 13 recites a single input power control apparatus for controlling a ground vehicle, including, among other recitations, an input means for generating an output power command; and a processor . . . for . . . determining first and second engine control commands . . . ." For reasons at least similar to those outlined above with respect to independent claim 13, the Cavasa et al. reference neither discloses nor suggests at least that subject matter recited in independent claim 13.

### **IV. Section 102(e) Rejection of Claims 1 and 13 based on Hattori**

In the Office Action, claims 1 and 13 were rejected under 35 U.S.C. § 102(e) based on Hattori (U.S. Patent No. 6,434,473). Applicants respectfully submit that the Hattori reference does not qualify as prior art with respect to the present application.

The present application claims the benefit of priority under 35 U.S.C. § 120 of U.S. patent application no. 09/054,411 (now U.S. Patent No. 6,171,055), which was filed on April 3, 1998. The Hattori reference did not issue as a U.S. patent until August 13, 2002, which is after the January 22, 2002, effective filing date of the present application. Furthermore, the application corresponding to the Hattori reference was not filed until August 10, 2000, which is more than two years after the filing date of U.S. patent application no. 09/054,411, to which the present application claims the benefit of priority. Since the Hattori reference has an effective U.S. filing date that falls after the filing date of U.S. patent application no. 09/054,411, it does not qualify as prior art with respect to the present application. Therefore, Applicants respectfully request

reconsideration and withdrawal of the § 102(e) rejection of claims 1 and 13 based on Hattori.

#### **V. New Independent Claim 20**

Applicants' new independent claim 20 recites a system for controlling a power generation system, including, among other recitations, "an input device configured to generate an output power command; and a processor operably associated with the input device, the processor being configured to . . . determine a power generation system control command yielding a highest output power efficiency based on [an] ambient air condition and the output power command . . . ." The Cavasa et al. reference neither discloses nor suggests at least that subject matter cited in Applicants' new independent claim 20. Furthermore, Applicants respectfully submit that new independent claim 20 includes subject matter recited in originally-filed claim 7. In the Office Action, claim 7 was rejected based on the obviousness-type double patenting rejections, which have been obviated by the Terminal Disclaimer filed concurrently herewith, and under 35 U.S.C. § 102(e) based on Hattori, which does not qualify as prior art with respect to the present application, as outlined previously herein. Therefore, new independent claim 20 should be allowable, since the Cavasa et al. reference neither discloses nor suggests all of the subject matter recited in that claim.

#### **VI. New Independent Claim 21**

Applicants' new independent claim 21 recites a system for controlling a power generation system, including, among other recitations, "an input device configured to

generate a signal indicative of a desired power output of the power generation system; and a processor operatively associated with the input device, the processor being configured to . . . output at least one power generation system control command based on . . . at least one signal indicative of an ambient air condition and . . . at least one signal indicative of a performance parameter related to the power generation system, wherein the at least one power generation system control command is configured to optimize the efficiency of the power generation system based on at least one of the at least one signal indicative of an ambient air condition, the at least signal indicative of a performance parameter related to the power generation system, and the signal indicative of the desired power output of the power generation system.” None of the references of record in the present application discloses or suggests at least that subject matter recited in new independent claim 21. Therefore, new independent claim 21 should be allowable.

## **VII. Conclusion**

For at least the reasons set forth above, independent claims 1, 13, 20, and 21 should be allowable. Dependent claims 2-7 and 14-19 depend from independent claims 1 and 13, respectively. Consequently, those dependent claims should be allowable for at least the same reasons independent claims 1 and 13 are allowable.

Therefore, Applicants respectfully request reconsideration of this application, withdrawal of the outstanding objections and claim rejections, and allowance of claims 1-7 and 13-21.

If the Examiner believes that a telephone conversation might advance prosecution, the Examiner is cordially invited to call Applicants' undersigned attorney at (571) 203-2739.

Applicants respectfully submit that the Office Action contains numerous assertions concerning the related art and the claims. Regardless of whether those assertions are addressed specifically herein, Applicants respectfully decline to automatically subscribe to them.

Please grant any extensions of time required to enter this response and charge any additional required fees to our Deposit Account No. 06-0916.

Respectfully submitted,

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Dated: August 2, 2005

By: 

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